

### **Remarks**

Claims 1-28 are pending in this application. In an Office Action dated September 12, 2005, the Examiner rejected claims 1-3, 10, 15, 18, 22, and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,282,152 to Kurple (Kurple) in view of U.S. Patent No. 6,078,271 to Roddy *et al.* (Roddy). The Examiner rejected claims 4-7, 14, 16, 17, 20, and 26 under 35 U.S.C. § 103(a) as unpatentable over Kurple and Roddy in further view of U.S. Patent No. 6,791,467 to Ben-Ze'ev. The Examiner rejected claims 8, 9, 19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Kurple and Roddy in further view of U.S. Patent No. 6,661,350 to Rohrberg et al. The Examiner rejected claims 11-13 and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Kurple and Roddy in further view of U.S. Pat. Appl. Pub. No. 2002/0163440. Applicant respectfully disagrees with the Examiner's rejections and requests reconsideration in light of the following remarks.

Claim 1, as amended, provides a method of programming a vehicle-based remote control to activate an appliance, the appliance responding to a radio frequency activation signal having characteristics represented by one of a plurality of activation schemes. The user is automatically prompted to select one of a plurality of subsets of possible activation schemes. At least one subset includes more than one but less than all of the possible activation schemes. User input is received selecting a particular subset of the plurality of subsets. For each of at least one activation scheme in the particular subset, an activation signal is transmitted having characteristics represented by the activation scheme. User input is received indicating whether or not the transmitted activation signal successfully activated the appliance. If the user input indicates success, data representing the activation scheme associated with a user activation input channel is stored. If the user input indicates no success and if the particular subset includes at least one untried activation scheme, the method repeats transmitting an activation signal and receiving user input indicating success.

The Examiner rejected claim 1 as an obvious combination of Kurple and Roddy. According to M.P.E.P. § 2142, three criteria must be met for the Examiner to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in Kurple, Roddy, or in knowledge generally available to one of ordinary skill in the art, to

modify Kurple. Second, there must be a reasonable expectation that this modification will succeed. Finally, either Kurple or Roddy must teach or suggest all claim limitations.

Examining the third criterion, neither Kurple nor Roddy teach or fairly suggest Applicant's invention of automatically prompting the user to select one of a plurality of subsets of possible activation schemes. The Examiner believes this limitation is disclosed in Kurple:

automatically prompting the user (12) to select one of a plurality of subsets (i.e., control signals) of possible activation schemes (systems in the display list) (column 9 lines 21 to 35; see Figures 4A and 4B);

Kurple discloses a timepiece that can function as a universal, wireless control. The timepiece can be placed in a learn mode in which the timepiece can learn control signals from an existing transmitter.

In a second aspect of the present invention, the electronic timepiece includes a learning operating mode. The learning mode electronic timepiece includes a receiver for receiving coded messages, a decoder for decoding the received coded messages and for extracting control signals received therein. The extracted control signals then being added to the library of control signals. In this way, transmissions of a conventional, wireless transmitter can be learned.

Kurple, Abstract.

Kurple's Figure 4A and 4B are flowcharts of embodiments of this learning operation.

FIG. 4A is a flowchart of a learning operating mode of the universal, wireless controller of FIG. 3;

FIG. 4B is a flowchart of an alternative learning operating mode of the universal, wireless controller of FIG. 3;

Kurple, col. 3, ln. 66-col. 4, ln. 2.

Because Kurple's timepiece learns the operation of an existing transmitter, there is no need for, and hence no teaching or suggestion of, automatically prompting the user to select one of a plurality of subsets of possible activation schemes. The passage cited by the Examiner, describing Figure 4A, is as follows:

Referring now to FIG. 4A, there is shown a flowchart which illustrates a learning operating mode of the universal, wireless controller 30 incorporated within the electronic timepiece 14 of FIG. 2. The learning operating mode begins, at Block 100, when a user chooses the learning operating mode

from one of the plurality of operating modes of the controller. Control immediately passes to Block 110 where a list of security and control systems supported by controller 30 is shown on the display 44. The list includes a plurality of security systems that are controlled by wireless transmitters whose transmissions can be emulated by controller 30. That is, the systems in the list employ an algorithm to encode their transmissions that can be decoded by the universal, wireless controller 30, i.e. an associated one of a plurality of decode algorithms stored in the memory of the microprocessor 38.

Kurple discloses accepting user input to place the timepiece in learn mode. Once in learn mode, the user is presented with all possible systems that can be emulated. (Block 110 bears the label "DISPLAY LIST OF SYSTEMS SUPPORT[ED].") There is no *plurality of subsets* of possible activation schemes from which the user is prompted to select, as in Applicant's invention. Roddy also makes no teaching or suggestion of Applicant's plurality of subsets of possible activation schemes.

Claim 1 is patentable over any combination of Kurple and Roddy. Claims 2-14, which depend from claim 1, are therefore also patentable.

Independent claim 15 provides a method of activating an appliance. When in a learn mode, first user input selecting one of a plurality of possible appliance classes is received. At least one activation signal is transmitted, each transmitted activation signal based on characteristics of a member of the selected class. Data is stored representing characteristics of at least one transmitted activation signal based on receiving second user input indicating that the transmitted activation signal activated the appliance. The data is associated with an activation input. When in an operate mode, the activation input is received, stored data representing activation signal characteristics is retrieved, and at least one activation signal is transmitted based on the retrieved data.

The Examiner rejected claim 15 based substantially on the same argument applied to claim 1. As discussed above, Kurple neither teaches nor fairly suggests receiving user input selecting one of a plurality of possible appliance classes. Claim 15 is patentable over any combination of Kurple and Roddy. Claims 16-26, which depend from claim 15, are therefore also patentable.

Independent claim 27 provides a programmable appliance remote control including a user interface, a transmitter, a memory holding a plurality of activation schemes with each activation scheme assigned to one of a plurality of subsets, and control logic. The control logic operates in a learn mode and an operate mode. In learn mode, a subset selection is accepted and at least one activation signal having characteristics specified by the selected subset is transmitted. A user selection input selecting at least one activation scheme in response to the transmitted activation signal is accepted and data representing the user selection associated with the activation input is stored. In operate mode, an activation input is received through the user interface and at least one activation signal is transmitted using stored data based on the received activation input.

The Examiner rejected claim 27 based substantially on the same argument applied to claim 1. As discussed above, Kurple neither teaches nor fairly suggests a memory holding a plurality of activation schemes with each activation scheme assigned to one of a plurality of subsets. Claim 27 is patentable over any combination of Kurple and Roddy. Claim 28, which depends from claim 27, is therefore also patentable.

Claims 1-28 are pending in this application. Applicant believes these claims meet all substantive requirements for patentability and respectfully request that this case be passed to issuance. No fee is believed due by filing this application. However, any fee due may be withdrawn from Deposit Account No. 02-3978 as specified in the Application Transmittal.

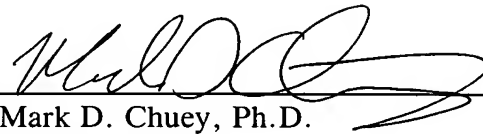
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The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted,

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